

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 20, 2003. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

**Section 103(a) Rejection**

The Examiner rejected Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,968,122 issued to Schlosser et al. ("*Schlosser*"), in view of U.S. Patent No. 5,941,955 issued to Wilby et al. ("*Wilby*"). Applicants respectfully traverse this rejection for the reasons discussed below.

*Schlosser*, whether alone or in combination with *Wilby*, fails to disclose, teach, or suggest:

- (1) storing "in the node" a third service state for the second parent node; and
- (2) in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner and at least one of the new second service state" and the new third service state (recited in Applicants' independent Claim 1).

First, the *Schlosser-Wilby* combination suggested by the Examiner fails to disclose, teach, or suggest storing "in the node" a third service state for a second parent node. The passages relied on by the Examiner fail to disclose, teach, or suggest a third service state for a second parent node is stored "in the node". Therefore, the Examiner's *Schlosser-Wilby* combination, fails to disclose, teach, or suggest the combination of limitations recited in Applicants' independent Claim 1. Applicants respectfully request that the Examiner withdraw this rejection.

Second, *Wilby* fails to disclose, teach, or suggest, in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner and at least one of the new second service state" and the new third service state, recited in Applicants' independent Claim 1. The Examiner mainly relies on the following passage from *Wilby*:

The new parent node 75 then establishes a direct link 76 to the old parent 72, in a step represented by box 82.

The old parent 72 is then requested by the new parent 75 to update its address for the node 73 and all requests it receives are passed via the direct link 76 to the new parent 75 and new connection 74 to the node 73.

Thus, at this stage the link failure has been overcome and the node 73 is again part of the network 70.

The next stage, as represented by box 84 is for the new parent node 75 to periodically update the other nodes in the network as to the new location of node 73. This process could be carried out 'on demand' that is to say when a request is received from a node for node 73 then the new parent 75 could send an update location message to the sending node.

(*Wilby*, column 9, lines 54-66; column 10, line 1). That is, *Wilby* suggests that, at most, old parent node 72 and new parent node 75 update their own addresses for the child node. The child node, however, does not redetermine the first service state. In fact, *Wilby* clearly points out in the above passage that update location messages are sent from new parent node 75 to other nodes. Nothing in *Wilby* indicates that a child node redetermines its own service state. Accordingly, *Schlosser*, either alone or in combination with *Wilby*, fails to disclose, teach, or suggest, in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner and at least one of the new second service state" and the new third service state, recited in Applicants' independent Claim 1. Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

Moreover, *Wilby* teaches away from redetermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service state. For example, in the above mentioned passage *Wilby* states that new parent node 75 requests the child node's address from the old parent node 72. According to *Wilby*, old parent node 72 receives requests addressed to the child node and forwards the requests to the new parent node 75, which then forwards the requests to the child node. In fact, old parent node 73 remains in service and takes care of routing requests destined for the child node. Moreover, if other nodes in the network seek the child node, the new parent node 75 updates them with the child node's address. Therefore, *Wilby*'s child nodes would have no need to redetermine their own service state. Consequently, *Wilby* fails to disclose, teach, or

suggest the combination of limitations recited in Applicants' independent Claim 1. Independent Claims 9 and 16 recite similar, although not identical, limitations. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to Claims 1, 9, and 16.

For at least the reasons provided above, *Schlosser*, whether alone or in combination with *Wilby*, fails to disclose, teach, or suggest the combination of limitations specifically recited in Applicants' independent Claims 1, 9, and 16. Applicants' dependent Claims 2-8, 10-15, and 17-25 are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the cited references of the rejection. For example, Applicants' Claims 23, 24, and 25 recite "a state determiner" comprising "a service state equation comprising a variable selected from a group consisting of a service state, a broken state, an in-service state, a maintenance state, and a parent state." Because Applicants believe they have amply demonstrated the allowability of the independent claims over the cited references of the rejection, and to avoid burdening the record, Applicants have not provided additional detailed remarks concerning the dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Applicants respectfully request reconsideration and allowance of independent Claims 1, 9, and 16, and all claims that depend on these claims.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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